

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:18-CV-373-FL

UNITED STATES OF AMERICA,
Plaintiff,

v.

JOHN A. BLACK and SUSAN E. BLACK,
Defendants.

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ORDER

This matter is before the clerk on the plaintiff's motion for entry of default [DE-16].

The clerk previously entered default against defendants John A. Black and Susan E. Black [DE-8]. Plaintiff subsequently filed a suggestion of bankruptcy as to defendants [DE-10], and the Court recognized the automatic stay of this action. When the bankruptcy proceedings concluded, the Court lifted the stay, and plaintiff filed a motion for leave to file an amended complaint [DE-13], which was granted by the Court [DE-14]. Plaintiff filed the amended complaint [DE-15] on July 29, 2019. The certificate of service attached to the amended complaint states that plaintiff sent notice of the Amended Complaint via U.S. Mail to the following:

John A. Black
1305 Linden Drive
Holly Springs, NC 27540
Defendant

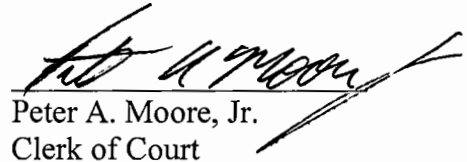
Susan E. Black
4529 Goosehaven Lane
Holly Springs, NC 27540
Defendant

Amended Complaint [DE-15]. Defendants have not appeared or responded to the Amended Complaint.

Plaintiff now moves for entry of default, and submits the declaration of its counsel, wherein he states that both defendants were served at their last known addresses, and references the defendants' bankruptcy dockets. See Decl. of Jonathan Carroll [DE-16-1] ¶ 6, Ex. 1 [DE-16-2], Ex. 2 [DE-16-3]. The bankruptcy dockets indicate that defendant John A. Black's address is 1305 Linden Ridge Drive, and not 1305 Linden Drive, as shown on the certificate of service.

Accordingly, because the record does not show that defendant John A. Black was served with the Amended Complaint at his last known address, the motion for entry of default [DE-16] is DENIED as John A. Black. The motion is GRANTED as to defendant Susan E. Black, and pursuant to Fed. R. Civ. P. 55(a), default is entered against that defendant only.

SO ORDERED. This the 23 day of September, 2019.


Peter A. Moore, Jr.
Clerk of Court